

# PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

10/693154  
0007049

## CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	9	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	9 minus 20 =	0
INDEPENDENT CLAIMS	5 minus 3 =	2
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

SMALL ENTITY  
TYPE ☐

OR OTHER THAN  
SMALL ENTITY

RATE	FEE
BASIC FEE	385.00
XS 9=	0
X43=	86
+145=	0
TOTAL	471

RATE	FEE
BASIC FEE	770.00
XS18=	
X86=	
+290=	
TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2

## CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	14	20	-
Independent	8	5	3
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY

OR OTHER THAN  
SMALL ENTITY

RATE	ADDITIONAL FEE
XS 9=	-
X43=	300.00
+145=	-
TOTAL	300.00

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL	

RCE filed 6/21/05

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	16	20	-
Independent	9	8	1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
XS 9=	-
X43=	100.00
+145=	-
TOTAL	100.00

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL	

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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JUN 21 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/693,154  
Applicant(s): Niels Diffrient  
Filed: 10/23/2003  
Art Unit: 3636  
Examiner: A. D. Barfield  
Title: Ergonomic armrest

Confirmation No.: 1662

Docket No.: 048782/276586  
Customer No.: 00826

Mail Stop After Final  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT  
37 C.F.R. § 1.116

Sir:

In response to the Office Action dated April 8, 2005, please amend the above-identified

06/24/2005 JLANFORD 00000004 160605 10693154

01 FC:2201 application as follows:  
100.00 DA

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of  
this paper.

Remarks/Arguments begin on page 6 of this paper.

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Reply to Office Action of dated April 8, 2005

Indeed, while the Examiner alleges that "[i]t would have been an obvious matter of design choice to modify the bracket in order that its 6 inches above the rear portion of the seat of the chair," the Examiner has not provided any objective teaching in support of this allegation. The absence of such a teaching renders this rejection defective. *In re Rouffet*, 149 F.3d 1350, 1355, 47 USPQ2d 1453 (Fed. Cir. 1998). *See also, In re Beattie*, 974 F.2d 1309, 1311, 24 USPQ2d 1040 (Fed. Cir. 1992). For this reason alone, this rejection must be reversed.

Moreover, if the armrest bracket of the Swenson *et al.* reference were moved to a position 6 inches above the rear portion of the seat of the chair, it would be at, or above, knob 70. In such a position, presumably bar 500 would be approximately parallel to the seat. However, armrest body 30 would be substantially perpendicular to the seat and substantially useless as an armrest. *See Fig. 2 of the Swenson et al. reference.* Therefore, even if there were a motivation to move the armrest bracket of the Swenson *et al.* reference (which there is not), the result would not render the subject matter of Claims 11 and 12 obvious.

It is not believed that extensions of time are required. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

The present paper presents two (2) additional claims, but with the additional claims, the total number of claims remains less than twenty (20). Thus, it is believed that this communication does not occasion any additional total claim fees.

However, the amendment adds one independent claim which occasions an additional independent claim fee.

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In view of the present amendments and remarks, the Applicant respectfully submits that the application is now in condition for allowance and respectfully solicits the same at an early date. Nonetheless, if the Examiner has any questions, he is encouraged to call the undersigned at (212) 210-9518.


Respectfully submitted,

  
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

  
\_\_\_\_\_

6/21/2005  
Date